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LIVEUNIVERSE, INC.,

United States District Court
District of New Jersey
Civil Action No. 2:22-04918 ES-JBC

Plaintiff,

vs.

Brief to Motion to Withdraw

(Return date June 26, 2023)

RENE MUIJRERS, ICONV SPRL,
TECHIE HOSTING, INC, VIRALHOG,
LLC, CHRISTOPHER VANDEVYVER,
IVAN RUSSO, KMMT, LLC,
THEODORA HATZIKOSTAS, BRENT
MAGGIO, RYAN BARTHOLOMEW,
and WAYNE ANASTASIAS,

Defendant's.

Table of Cases

Magargal v. New Jersey, Civil Action No. 07-3531 (JAP), at *4
D.N.J. Nov. 14, 2011)
In re Wiener, No. 18-13042 (JLG), at *13 (Bankr. S.D.N.Y. June
21, 2019)
Whiting v. Lacara, 187 F.3d 317 (2d Cir. 1999)

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Argument

We believe the moving certification adequately sets forth reasons for withdrawal. This matter is at its onset. No trial date will be disrupted. See *Magargal v. New Jersey*, Civil Action No. 07-3531 at *4 (D.N.J. Nov. 14, 2011) ("this case is still in its relative infancy. No discovery has been taken or settlement conference done. Withdrawing attorney has no special skills pertaining to this matter and can be replaced. Thus, allowing withdrawal will not cause harm to the administration of justice and will not significantly delay the resolution of this matter.") In re *Wiener*, No. 18-13042, at *13 (Bankr. S.D.N.Y. June 21, 2019) (the Court's calendar will not be substantially affected by the Firm's exit). Indeed, it is better that new counsel be secured now rather than a time of discovery and deposition scheduling assuming the motions are not granted.

Indeed, the client has already indicated he would be securing new counsel. See *Certification of Counsel*. A lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client. *Magargal v. New Jersey*, Civil Action No. 07-3531 (JAP), at *3 (D.N.J. Nov. 14, 2011).

Disagreement between counsel and client over handling and decision-making has been deemed a sufficient reason for withdrawal. *Whiting v. Lacara*, 187 F.3d 317 (2d Cir. 1999); *Magargal*, *supra*.

Dated: May 30, 2023

Howard Gutman

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